REMARKS

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1, 14, and 19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states that it is not clear whether lossless compression or lossy compression is described. Applicant finds it is apparent that the Examiner must have overlooked Applicant's central argument utilized in the previous office action as to why Applicant's scheme is inherently lossless. Applicant assumes that if the Examiner had read Applicant's argument, the Examiner would have at least addressed the relevant points of the argument in his response. Thus, Applicant will copy Applicant's previous argument as to why a lossless compression algorithm is mandatory for Applicant's scheme to work. The argument is copied in full below:

"Although the term "lossless" is not specifically used in Applicant's specification, this is something that is inherent to Applicant's presently claimed invention. The idea behind the invention is to compress image data on windows that are not in focus and when they return to focus they are decompressed to the initial image. Specifically, in paragraph [0012] of Applicant's specification, Applicant states: "When the image data is to be displayed the de-compressor pulls the image data information from the compressed window memory and decompresses the data into a viewable image which is delivered to the rendering engine to compose the data into a desktop image and sent to the display."

To utilize lossy compression in this scheme would be to essentially break the scheme. For example, it is quite possible that a person could switch multiple times between two windows. If lossy compression were utilized, each time the window is defocused, the compression algorithm would lose information regarding the image data in the window. The more compression-decompression cycles that happen to the window, the more severe the degradation of the image within the window. Until, eventually, the window would be completely unintelligible and useless. Thus, a lossless compression algorithm is mandatory for this scheme to be successful, and thus inherent."

Thus, Applicant respectfully requests removal of the 35 U.S.C. §112, first paragraph, rejection of claims 1, 14, and 19.

The Examiner has additionally rejected claims 1, 14, and 19 under 35 U.S.C. §112, second paragraph. Specifically, the Examiner has pointed out a lack of antecedent basis in certain locations utilizing the term "the image data" in claims 1, 14, and 19. Applicant has amended claims 1, 14, and 19 so as to comply with 35 U.S.C. §112, second paragraph and, thus, respectfully requests removal of the 35 U.S.C. §112, second paragraph, rejection of claims 1, 14, and 19.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 5-9, 11, 12, 14, 16, 18, 19, 21, 23-27, 29, and 30 under 35 U.S.C. §102(e) as being anticipated by Blume (US 2004/0056900 A1) ("Blume") and Callegari (US 7,076,735 B2). Applicant believes that this rejection contains a fundamental error and should be included in the rejections listed under 35 U.S.C. §103(a).

The Examiner cites two references, Blume and Callegari, as anticipating Applicant's invention. The Examiner goes on to explain this rejection by citing obviousness rejection language in Item #9 in the office action. Specifically, the Examiner states that "Blume does not disclose the type of compression used" as well as that "[i]t would have been obvious to one of ordinary skill in the art, having the teaching of Blume and Callegari before him at the time the invention was made…" These statements refer to a 35 U.S.C. §103(a) obviousness type rejection, not a 35 U.S.C. §102(e) anticipatory rejection the Examiner has classified this as. Thus, because these arguments can only be brought up under 35 U.S.C. §103(a), Applicant will address them under the 35 U.S.C. §103(a) remarks discussed below. Furthermore, because of this, Applicant respectfully requests removal of the 35 U.S.C. §102(e) rejection of claims 1, 3, 5-9, 11, 12, 14, 16, 18, 19, 21, 23-27, 29, and 30.

Claim Rejections – 35 U.S.C. § 103

Based on the discussion above, Applicant believes that the Examiner has rejected claims 1, 3, 5-9, 11, 12, 14, 16, 18, 19, 21, 23-27, 29, and 30 under 35 U.S.C. §103(a), as being unpatentable over Blume (US 2004/0056900 A1) ("Blume") in view of Callegari (US 7,076,735 B2) ("Callegari"). For the reasons set forth below, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 1, 3, 5-9, 11, 12, 14, 16, 18, 19, 21, 23-27, 29, and 30.

Blume discloses a method and apparatus for window priority rendering in graphical user interface applications which use filtering operations to display low priority windows. (Blume Abstract) Callegari discloses systems and method for network transmission of three-dimensional graphical data. (Callegari Abstract)

With respect to the newly amended independent claim 1 of Applicant's invention, Applicant teaches and claims:

> "A method, comprising *determining what graphical image data resides within a window in a windows-based environment, assigning a priority level to the window based on the determination*, and compressing the image data residing in the window if the priority level of the window falls below a predetermined threshold priority level, wherein the type of compression used is lossless." (Claim 1) (Emphasis added)

Applicant asserts that Blume and Callegari, each taken alone or in combination, do not teach at least *determining what graphical image data resides within a window in a windows-based environment, assigning a priority level to the window based on the determination*. Applicant has included a limitation within newly amended claim 1 that was previously in claim 5 in large part. Applicant recognizes that the Examiner has also rejected claim 5 and cites locations within Blume that apparently read upon each limitation as set forth in claim 5. There is a significant difference between the previous claim 5 limitation and the limitation as set forth in newly amended claim 1 that is important to discern. Notably, Applicant has modified the previous term "image content" to the new term "graphical image data". This is an important difference due to one of the arguments that the Examiner brought up in regard to the previous version of claim 5.

By modifying this term, Applicant is trying to make clear that the determination of what priority to set the window to in newly amended claim 1 is based on actual image data related to the graphics displayed within the image. This is opposed to the content of a window, which without being more specific could be ambiguously thought to speak to content related material (e.g. as Examiner quotes Blume: “a stock ticker”). Applicant includes support for specific types of “graphical image data” at least in paragraph 14 of Applicant’s invention, which lists a number of types of (graphical) image data such as “surface textures for 3D graphical objects, 2D continuous-tone imagery, and 2D text and planar graphics data among others.”

Thus, due to this information, Applicant disagrees with Examiner’s arguments as set forth with regard to claim 5. Specifically, the Examiner states that Applicant’s previous limitation within claim 5 of “determining what image content resides within the window” is taught in Blume in paragraph [0040] lines 6-7 and lines 13-15 as well as in paragraph [0057] lines 6-12. Applicant will carefully discuss each of these paragraph references and explain why he believes the Examiner should remove the rejection regarding newly amended independent claim 1 in Applicant’s invention.

The paragraph [0040] reference in Blume is limited to the data content of the window. This is entirely different than Applicant’s newly amended term of “graphical image data”. As Applicant pointed out above, Blume is referring to things such as stock tickers and news articles (textual data content that is read by a person and prioritized based on the subject matter of the data content itself). Applicant, on the other hand, refers to “graphical image data” which is related to 2D and 3D images (i.e. pixel-by-pixel image data). These two concepts are entirely different and Applicant has attempted to differentiate the classification terminology as best as possible.

The paragraph [0057] reference in Blume does refer to "computer graphics" images within a window. But, Blume does not prioritize windows based on these images within the windows. Instead, in paragraph [0057], Blume discusses the resulting benefits of a window that displays computer graphics having low priority. There is no determination made as to priority level based on these graphics, just a discussion of the benefits if that were to coincidentally happen. Applicant is certain of this because of a statement that Blume makes within paragraph [0057]. Notably, Blume states in paragraph [0057] that "[o]ne skilled in the art will appreciate that other techniques exist which can take advantage of a reduced need for high quality imagery in windows that are designated as low priority." This statement is unequivocally saying that there are techniques to take advantage of windows that have computer graphics and are also designated as low priority. It is **not** stating, as the Examiner seems to contend, that the image details of the computer graphics within the window is the determining factor of the priority level of the window.

Applicant has searched both Blume and Callegari, and failed to find anywhere, within either reference, any mention of a method that utilizes the details of the computer graphics images within a window as the determining factor of the priority level of the window. If the Examiner can find a reference to this methodology, Applicant would appreciate a new citation apart from the erroneous citations regarding the rejection of claim 5 in the Examiner's previous office action.

Additionally, the Examiner cites Blume, Figure 3, Item 320 as reading on Applicant's limitation of "setting a priority level for the window based on the determinations." Item 320 in Blume's Figure 3 states simply "Calculate or Assign Window Priority." It does not say that this calculation or assignment is based on any particular determinations or what the specific determinations are.

Thus, Applicant respectfully submits that Blume and Callegari, each taken alone or in combination, do not render Applicant's invention as claimed in claim 1 as obvious at least because they do not teach *determining what graphical image data resides within a window in a windows-based environment, assigning a priority level to the window based on the determination*.

Independent claims 14 and 19 include similar limitations to independent claim 1, thus for at least the same reasons as advanced above in reference to independent claim 1, Applicant respectfully submits that Blume and Callegari, each taken alone or in combination, do not render independent claims 14 and 19 as obvious.

Claims 3, 5-9, 11, 12, 16, 18, 21, 23-27, 29, and 30 depend from and further limit independent claims 1, 14, and 19, respectively. Thus, for at least the same reasons as advanced above in reference to independent claims 1, 14, and 19, Applicant respectfully submits that Blume and Callegari, each taken alone or in combination, do not render claims 3, 5-9, 11, 12, 16, 18, 21, 23-27, 29, and 30 as obvious.

Therefore, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 1, 3, 5-9, 11, 12, 14, 16, 18, 19, 21, 23-27, 29, and 30.

The Examiner has rejected claims 2, 4, 13, 15, 17, 20, 22, and 31 under 35 U.S.C. §103(a), as being unpatentable over Blume, Callegari and of Hiroi (US 6,384,846 B1) ("Hiroi"). For the reasons set forth below, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 2, 4, 13, 15, 17, 20, 22, and 31.

Claims 2, 4, 13, 15, 17, 20, 22, and 31 depend from and further limit independent claims 1, 14, and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1, 14, and 19, Applicant respectfully submits that Blume, Callegari, and Hiroi, each taken alone or in combination, do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 2, 4, 13, 15, 17, 20, 22, and 31.

Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of pending claims 2, 4, 13, 15, 17, 20, 22, and 31.

The Examiner has rejected claims 10 and 28 under 35 U.S.C. §103(a), as being unpatentable over Blume, Callegari, and of Rao (US 6,606,415 B1) ("Rao"). For the reasons set forth below, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 10 and 28.

Claims 10 and 28 depend from and further limit independent claims 1 and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1 and 19, Applicant respectfully submits that Blume, Callegari, and Rao, each taken alone or in combination, do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 10 and 28.

Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of pending claims 10 and 28.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 50-4238. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Derek J. Reynolds at (916) 356-5374.

Respectfully Submitted,

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